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13
14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16 RUBEN P. PEREZ,

17 Petitioner,

v.

18 JO GENTRY, et al.,

19 Respondents.

20 Case No. 2:16-cv-00830-RFB-GWF

21 **UNOPPOSED MOTION FOR
EXTENSION OF TIME IN WHICH TO
FILE OPPOSITION TO THE
RESPONDENTS' MOTION TO
DISMISS**

22 **(Second Request)**

23
24 Petitioner Ruben P. Perez respectfully moves this Court for an extension of
25 time of sixty (60) days, from April 27, 2018, to and including June 26, 2018, in which
26 to file an opposition to the respondents' motion to dismiss.

POINTS AND AUTHORITIES

1. Mr. Perez filed a counseled amended petition for a writ of habeas corpus in this Court on February 10, 2017. ECF No. 12. The respondents filed a motion to dismiss on February 12, 2018. ECF No. 26. Mr. Perez's opposition to the motion to dismiss is due on April 27, 2018.

2. Undersigned counsel has been diligently working to prepare Mr. Perez's opposition to the respondents' motion to dismiss. However, counsel respectfully suggests that additional time is necessary in order to properly prepare the opposition.

3. Undersigned counsel requested on February 23, 2018, that counsel for the respondents turn over certain documents from the Nevada Department of Corrections with potential relevance to Mr. Perez's opposition. Counsel for the respondents agreed to do so but has not yet provided those documents.

4. Undersigned counsel spoke with Mr. Perez at length regarding the opposition on or about February 21, 2018. Additional conversations with Mr. Perez will likely prove necessary in order to properly prepare the opposition.

5. Undersigned counsel has had many professional obligations in recent weeks, including, among others, a reply brief filed on March 2, 2018, in *LaPena v. Grigas*, Case No. 15-16154 (9th Cir.); replies in support of motions for discovery and for an evidentiary hearing filed on March 9, 2018, in *Sawyer v. Baker*, Case No. 3:16-cv-00627-MMD-WGC (D. Nev.); an oral argument held on March 12, 2018, in *Gutierrez v. State*, Case No. 16-15704 (9th Cir.); a supplemental brief on procedural issues filed on March 14, 2018, in *Cortinas v. Gentry*, Case No. 3:10-cv-00439-LRH-RAM (D. Nev.); a reply in support of a petition filed on March 20, 2018, in *Gonzalez v. Williams*, Case No. 2:15-cv-00618-RFB-CWH (D. Nev.); an application for a certificate of appealability filed on March 27, 2018, in *Corzine v. Baker*, Case No. 18-15439 (9th Cir.); an opening brief filed on March 30, 2018, in *Banuelos v. Smith*, Case

1 No. 17-164889 (9th Cir.); an amended petition filed on April 2, 2018, in *Guzman v.*
2 *Filson*, Case No. 3:17-cv-00515-HDM-VPC (D. Nev.); a reply in support of a petition
3 for genetic marker analysis filed on April 23, 2018, and an opposition to a motion to
4 dismiss filed on April 26, 2018, in *Castillo v. Baker*, Case No. CR05-0560 (Nev. Second
5 Judicial Dist. Ct.); and a motion for stay and abeyance filed on April 26, 2018, in
6 *Rosales v. Byrne*, Case No. 3:16-cv-00003-RCJ-WGC (D. Nev.).

7 6. Undersigned counsel has many additional professional obligations in
8 the coming weeks, including, among others, a second amended petition due on April
9 30, 2018, in *Barragan v. Filson*, Case No. 3:17-cv-00453-LRH-VPC (D. Nev.); an
10 amended petition due on April 30, 2018, in *Esquivel v. Williams*, Case No. 2:17-cv-
11 02227-RFB-PAL (D. Nev.); an amended petition due on April 30, 2018, in *Elliott v.*
12 *McDaniel*, Case No. 3:11-cv-00041-MMD-VPC (D. Nev.); an amended petition due on
13 May 7, 2018, in *Delapinia v. Williams*, Case No. 2:17-cv-02376-MMD-CWH (D. Nev.);
14 an amended petition due on May 19, 2018, in *Burch v. Baker*, Case No. 2:17-cv-00656-
15 MMD-VCF (D. Nev.); an opening brief due on May 21, 2018, in *Mercado v. State*, Case
16 No. 74513 (Nev. Sup. Ct.); and an amended petition due on May 30, 2018, in *Howard*
17 *v. Wickham*, Case No. 3:16-cv-00665-HDM-VPC (D. Nev.).

18 7. Therefore, undersigned counsel seeks an additional sixty (60) days, up
19 to and including June 26, 2018, in which to file the opposition to the respondents'
20 motion to dismiss. This is undersigned counsel's second request for an extension of
21 time in which to file Mr. Perez's opposition.

22 8. On April 26, 2018, undersigned counsel contacted Deputy Attorney
23 General Natasha M. Gebrael and informed her of this request for an extension of
24 time. As a matter of professional courtesy, Ms. Gebrael had no objection to the
25 request. Ms. Gebrael's lack of objection should not be considered as a waiver of any
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1 procedural defenses or statute of limitations challenges, or construed as agreeing
2 with the accuracy of the representations in this motion.

3 9. This motion is not filed for the purpose of delay, but in the interests of
4 justice, as well as in the interest of Mr. Perez. Counsel for Mr. Perez respectfully
5 requests that this Court grant this motion and order Mr. Perez to file the opposition
6 to the respondents' motion to dismiss no later than June 26, 2018.

7

8 DATED this 27th day of April, 2018.

9 Respectfully submitted,
10 RENE L. VALLADARES
11 Federal Public Defender

12 /s/Jeremy C. Baron
13 JEREMY C. BARON
14 Assistant Federal Public Defender

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16 IT IS SO ORDERED:

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19 RICHARD F. BOULWARE, II
20 United States District Judge

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22 Dated: April 30, 2018.

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Natasha M. Gebrael.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Ruben P. Perez
No. 61761
Southern Desert Correctional Center
PO Box 208
Indian Springs, NV 89070

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender